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**Subject:** Exxon Calls Mass. AG  
Climate Change  
Probe Biased



Tuesday, September 20, 2016



## TOP NEWS

### Exxon Calls Mass. AG Climate Change Probe Biased

Exxon Mobil Corp. on Monday told a Texas federal judge it's entitled to the extraordinary remedy of an injunction barring a Massachusetts Attorney General's Office investigation into the company's knowledge of climate change because evidence of viewpoint bias was clear from the outset.

### Green Groups Seek To Clinch Suit Over EPA Pesticide Regs

The Center for Food Safety, Pollinator Stewardship Council and American Bird Conservancy asked a California federal judge Monday for a quick win against the U.S. Environmental Protection Agency in a suit seeking closer regulation of pesticide-treated seeds that can kill honeybees and birds, arguing that a 2013 edict was a final agency action and subject to legal challenge.

### DC Circ. Temporarily Blocks Dakota Access Pipeline Work

A D.C. Circuit panel on Friday granted the Standing Rock Sioux Tribe's bid for a temporary halt on construction of the Dakota Access Pipeline at a place where it is set to cross the Missouri River near the tribe's reservation.

### Mass. Gov. Orders GHG Caps For Climate Plan Overhaul

Massachusetts Republican Gov. Charlie Baker on Friday ordered state regulators to establish decreasing limits on greenhouse gas emissions as part of an overhaul of the state's climate change program, after the state Supreme Judicial Court recently ruled that the state's existing efforts weren't sufficient.

### EPA Finalizes Revisions To Air Quality Limit Exemptions

The U.S. Environmental Protection Agency on Friday finalized revisions to its rule for so-called exceptional events, such as wildfires and volcanic eruptions, that would allow regions to avoid being penalized for temporarily exceeding ozone limits and other national ambient air quality standards.

## LAW FIRMS

Ahmad Zavitsanos  
Arnold & Porter  
Audet & Partners  
Baker & McKenzie  
BakerHostetler  
Barnes & Thornburg  
Battaglia Ross  
Bean Kinney  
Cantey Hanger  
Cleary Gottlieb  
Cooley  
Coudert Brothers  
Covington & Burling  
Crowell & Moring  
Davis Wright Tremaine  
Diamond McCarthy  
Earthjustice  
Foley & Lardner  
Frankfurt Kurnit  
Fredericks Peebles  
Freeman Freeman  
Grant & Eisenhower  
Greenberg Traurig  
Haynes and Boone  
Hogan Lovells  
Jones Day  
K&L Gates

## POLICY & REGULATION

### Herbicide In Monsanto's Roundup 'Unlikely' To Cause Cancer

The U.S. Environmental Protection Agency said Friday it has proposed to classify glyphosate, the active ingredient in Monsanto's ubiquitous herbicide Roundup, as "not likely" to cause cancer in humans, following a scientific review of the substance.

### New York AG Asks EPA To Not Approve GE's Hudson Cleanup

New York Attorney General Eric Schneiderman's office has asked the U.S. Environmental Protection Agency to hold off on formally approving the completion of General Electric Co.'s more than \$1 billion cleanup of the upper Hudson River, saying that the federal government first has to find whether the cleanup actually protects the environment and human health.

### Calif. Continues Climate Push With Cuts To Super Pollutants

California Gov. Jerry Brown continued his push on legislation directed at climate change on Monday, signing into a law a bill that would require massive cuts in so-called super pollutants that come from petroleum fuels, cows, air conditioning and other sources.

### Pols To Investigate Solar-Energy Firms Over Tax Incentives

U.S. Senate and House of Representatives leaders have told seven residential solar industry companies and solar utilities companies they are going to be formally investigated over whether they wrongfully received billions in tax credits from the government, expanding on an inquiry that started earlier this year.

## ENFORCEMENT

### Colonial Faces Heat From PHMSA Over Ala. Pipeline Leak

Federal pipeline safety regulators on Friday ordered Colonial Pipeline Co. to perform tests on a pipeline that ruptured in Alabama earlier this month and spilled 6,000 barrels of gasoline, and said they were investigating the cause of the failure.

### Pep Boys Wants Portion Of Strip Mall's Cleanup Suit Tossed

Pep Boys told a federal judge on Friday that crucial elements of a waste claim against it were missing from a California strip mall owner's suit alleging the tire chain dumped chemicals on the property for years, and therefore the claim should be dismissed from the complaint.

## DEALS

### Sullivan Reps SunEdison Yieldcos In Possible Sale

Sullivan & Cromwell LLP is representing SunEdison Inc.'s publicly traded yieldcos TerraForm Power Inc. and TerraForm Global Inc. as they explore a possible sale of the clean energy businesses which have been impacted by SunEdison's massive bankruptcy in New York, the companies announced Monday.

## LITIGATION

### Fracking Rule Foes Ask 10th Circ. To Bury Agency's Regs

Kazerouni Law Group

Keller Rohrback

Labaton Sucharow

Levenfeld Pearlstein

Lieff Cabraser

McCarter & English

McKool Smith

Morris Polich

Munger Tolles

Nixon Peabody

Norton Rose Fulbright

Nossaman LLP

Orrick Herrington

Paul Weiss

Perkins Coie

Prickett Jones

Rosenthal Monhait

Ross Aronstam

Skadden

Stone Pigman

Sullivan & Cromwell

Togut Segal

Wachtell Lipton

Winston & Strawn

## COMPANIES

AOL Inc.

Abengoa SA

Agricultural Retailers Association

AlixPartners

American Bar Association

American Petroleum Institute Inc.

American Seed Trade Association

American Soybean Association

CFA Institute

CITGO Petroleum Corp.

Centerview Partners LLC

Chevron Corporation

Chicago Bar Association

Colonial Pipeline Co.

Conservation Law Foundation

CropLife America Inc.

Exxon Mobil Corporation

Facebook

General Electric Company

General Motors

Google Inc.

The four states, industry groups and Native American tribe that persuaded a federal judge to strike down the U.S. Bureau of Land Management's fracking regulations urged the Tenth Circuit on Friday not to revive the measures, arguing the bureau has an inflated view of its authority.

### **Tesoro Dodges Insurer's Spill Negligence Suit At 9th Circ.**

A Ninth Circuit panel on Monday affirmed a lower court's dismissal of a negligence suit lodged by insurer North of England P&I Club against Tesoro Refining and Marketing alleging the company didn't properly contain and clean up an oil spill in the Port of Long Beach in 2011.

### **Alaska Backs Coal Co.'s Bid To Revisit Mining Permits Ruling**

The state of Alaska on Friday pressed a federal judge to reverse a decision that sided with environmental groups and an Alaska Native village by throwing out a coal company's surface mining permits, backing the company's bid to have them left intact.

### **Pipeline Co. Wins OK Of Oil Spill Claim Release Form**

A California federal judge has approved a release form proposed by Plains All American Pipeline LP that would allow businesses and residents to receive cash in exchange for releasing their rights to join a putative class action over a May 2015 oil spill near Santa Barbara, California, rejecting opposition to the release brought by attorneys for the proposed class.

### **VW Didn't Send Emissions Settlement Info, Dealer Says**

An independent Missouri car dealership seeking to participate in Volkswagen AG's \$14.7 billion settlement over its diesel vehicle emissions scandal told a California federal judge on Friday that Volkswagen never notified some dealerships of the settlement, causing them to miss the deadline for opting into the deal.

### **Tesla Says 4 Del. Suits May Hamper \$2.6B SolarCity Bid**

Tesla Motors Inc. told investors Monday that four shareholder lawsuits challenging its proposed \$2.6 billion merger with SolarCity Corp. may delay the electric car company's acquisition of the supplier of alternative energy systems.

## **EXPERT ANALYSIS**

### **Expanded Wharfinger Liability Confuses Spill Cost Recovery**

A recent decision from a Pennsylvania federal court in the protracted litigation surrounding the Athos I oil spill signals profound implications for the liability of charterers, wharfingers and the U.S. government. The ruling portends costly new obligations for all three entities to conduct frequent underwater surveys using side-scanning sonar to detect obstructions, says Lawrence Kiern of Winston & Strawn LLP.

## **LEGAL INDUSTRY**

### **Feature**

### **Lawyers Flocking To Social Media Find Old Rules Don't Hold Up**

Kinder Morgan  
LinkedIn Corp.  
Monsanto Company  
Morgan Stanley  
NRG Energy Inc.  
National Corn Growers Association  
National Federation of Independent Business  
National Hockey League  
Natural Resources Defense Council  
New Hampshire Bar Association  
New York City Bar Association  
New York State Bar Association  
NextEra Energy Inc.  
Philip Morris USA Inc.  
Plains All American Pipeline, L.P.  
Regal Entertainment Group  
Sierra Club  
SolarCity Corp.  
Southern California Gas Co.  
State Bar of California  
SunEdison LLC  
Temple University  
Tesla Motors Inc.  
Tesoro Corporation  
Turner Broadcasting System Inc.  
Twitter Inc.  
Volkswagen  
Washington Post Co.  
Williams Partners LP

## **GOVERNMENT AGENCIES**

Army Corps of Engineers  
Bureau of Land Management  
California Environmental Protection Agency  
Chickaloon Native Village  
Delaware Court of Chancery  
Drug Enforcement Administration  
Federal Deposit Insurance Corp.  
Immigration and Customs Enforcement  
Internal Revenue Service  
Office of Surface Mining Reclamation and Enforcement  
Pipeline and Hazardous Materials Safety Administration

The legal industry is embracing social media, but danger lurks in the Twitterverse.

### **How To Score A Lateral Rainmaker**

Partners with big books of business have a buffet of choices when considering a move to a new law firm, creating a tough task for firms vying to lure lateral rainmakers. Here, experts offer four tips for snagging a big fish.

### **K&L Gates Announces New Firm Leaders Starting March 2017**

K&L Gates LLP has chosen its new leadership after the impending exit of Peter J. Kalis, the firm announced Monday, with the selection of Michael S. Caccese as chairman of the global management committee and James J. Segerdahl as global managing partner.

### **5 Things To Know About The Heller Ehrman Clawback Case**

It's been eight years since Heller Ehrman LLP imploded amid defections and debt, scattering partners across BigLaw. Finally, the California Supreme Court is ready to answer a knotty question: Who "owns" the unfinished hourly work partners take with them when their firm goes bankrupt? Here are five things you need to know about the Heller Ehrman clawback case.

### **Atty Pleads Guilty To Role In Bean Kinney Leader Attack**

A Virginia trademark attorney pled guilty to charges related to her role in a vicious attack on the former managing partner of Bean Kinney & Korman PC after the trademark lawyer had lost her job at the firm, according to reports on Monday.

### **Pro Bono Firm Of 2016: Cleary Gottlieb**

After a year of victories in cases that pitted individuals against the government, including settlements with immigration officials over a man's wrongful imprisonment and a girl's injury from a botched sting operation, Cleary Gottlieb Steen & Hamilton LLP has earned a spot on Law360's Pro Bono Firms of 2016.

### **Context Is Key For Judicial Reasoning, Paper Says**

Claims that judges overstep their bounds by analyzing more than the literal interpretation of the law in complex and controversial legal decisions are unhelpful and unnecessary because judges should always focus on contextual aspects of the law, a paper released Friday said.

### **Rainmaker Q&A: Crowell & Moring's Daniel Sasse**

Most of us are told no and fail at bringing in business far more often than we succeed. Especially early in your career, being told no just means you are in the game and getting better. You have to be appropriately persistent and keep trying, says Daniel Sasse, partner at Crowell & Moring LLP.

### **Rainmaker Q&A: Levenfeld Pearlstein's Lauren Wolven**

Too many attorneys wait until they are a year out from partnership to begin building their network. By then it's too late. It takes three to five years from when you plant a seed to have it fully mature into part of your trusted network, says Lauren Wolven, a partner in the trusts and estates group at Levenfeld Pearlstein LLC.

Op-Ed

Securities and Exchange  
Commission  
Small Business Administration  
Standing Rock Sioux Tribe  
U.S. Army  
U.S. Coast Guard  
U.S. Customs and Border  
Protection  
U.S. Department of Energy  
U.S. Department of Justice  
U.S. Department of Transportation  
U.S. Department of the Interior  
U.S. Environmental Protection  
Agency  
U.S. Senate  
U.S. Supreme Court  
Ute Indian Tribe  
World Health Organization

# Consider Requiring Personality Testing For Lawyers

With the overwhelming stresses placed on attorneys today, contributing to attorney psychological problems and resulting in destructive behavior, should pre-employment personality testing be required of attorneys entering law firms to identify the ones most susceptible? The answer may be yes.

## **JOBS**

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Princeton , New Jersey

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